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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,078	09/11/2000	John K. Smith	498-239	6232
23869	7590	12/02/2003	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICO TURNPIKE SYOSSET, NY 11791			ODLAND, KATHRYN P	
			ART UNIT	PAPER NUMBER
			3743	

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/660,078

Applicant(s)

SMITH, JOHN K.

Examiner

Kathryn Odland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

**The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.**

Terms such as "disclosed" and "comprising" should be avoided in the abstract.

### *Drawings*

2. The drawings are objected to because Figure 8 shows hooks 140 on branch 138 while figure 10 shows loops 142 on branch 138. This seems contradictory. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: element 128. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the

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Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-27 are rejected under 35 U.S.C. 102(a and/or e) as being anticipated by Strecker in US Patent No. 6,485,524.

Regarding claim 1, Strecker discloses an endovascular prosthesis (such as 1, that seen in figure 18, that seen in figure 21, etc.) having an endovascular member having a structure (such as a spiral, etc) having one of a hook structure and a loop structure and a patch (another part of the spiral or as seen in figures 18, 20, 21, etc.) for placement against the endovascular member, the patch having the other of the hook structure and the loop structure, wherein the hook structure and the loop structure are matingly engageable so as to maintain the patch in substantially fluid tight engagement with the endovascular member, as recited in column 7, lines 20-30, column 14, column 15 and seen in figures 18-21.

Regarding claim 2, Strecker discloses that as applied to claim 1, as well as, an endovascular member that is selected from the group of grafts, stents and stent-grafts, as recited throughout the specification and seen in figures 1-21.

Regarding claim 3, Strecker discloses that as applied to claim 1, as well as, hook and loop structures that are of textile materials, as recited in column 7, lines 20-30.

Regarding claim 4, Strecker discloses that as applied to claim 1, as well as, hook and loop structures that are selected from the group of polypropylene terephthalate, polyurethane, a copolyester elastomer and nylon, as recited in column 7, lines 20-30, encompassed by Velcro®.

Regarding claim 5, Strecker discloses a method of connecting via attaching a patch (via the spiraling connection, etc) to an endovascular member, wherein the patch has a hook or loop structure cooperative with a hook or loop structure of the endovascular member for maintaining the patch in substantially fluid tight communication with the endovascular member, as recited in column 7, lines 20-30, column 14, column 15 and seen in figures 1-21.

Regarding claim 6, Strecker discloses that as applied to claim 5, as well as, delivering the patch (such as spiraling the connection) to the endovascular member through a

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body lumen containing the endovascular member, as recited in column 7, lines 20-30, column 14, column 15 and seen in figures 1-21.

Regarding claim 7, Strecker discloses that as applied to claim 5, as well as, a patch has is one of a hook structure and a loop structure and an endovascular member that has the other of the hook structure and the loop structure, as recited in column 7, lines 20-30.

Regarding claim 8, Strecker discloses that as applied to claim 5, as well as, attaching that is done in situ, as recited in columns 14-18.

Regarding claim 9, Strecker discloses that as applied to claim 5, as well as, attaching that is effective by expanding a balloon affixed to a catheter to cause the hook or loop structure to engage the other of the hook or loop structure of the endovascular member, as recited in column 15, lines 15-20.

Regarding claims 10 and 11, Strecker discloses that as applied to claim 6, as well as, a delivery step that is effected by use of a (balloon) catheter, as recited in column 15, lines 15-20.

Regarding claims 12 and 15, Strecker discloses a multi-component endovascular prosthesis (such as the spirals or that seen in figures such as 21) having a first

prosthetic component having a structure/main prosthetic component (such as one portion of the spiral or that seen in figures such as 21) having one of a hook and loop structure and a second/branch prosthetic component (such as a trailing portion yet to be spiraled or that seen in figures such as 21) having a structure having the other of the hook and loop structure, wherein the hook and loop structure are matingly engageable so as to maintain the first prosthetic component in substantially fluid tight engagement with the second prosthetic component, as recited in column 7, lines 20-30, column 14, column 15, and seen in figures 18-21.

Regarding claims 13 and 16, Strecker discloses that as applied to claims 12 and 15, as well as, hook and loop structures that are of textile material, as recited in column 7, lines 20-30.

Regarding claims 14 and 17, Strecker discloses that as applied to claims 12 and 15, as well as, hook and loop structures that are of the group of polypropylene terephthalate, polyurethane, a copolyester elastomer and nylon, as recited in column 7, lines 20-30, encompassed by Velcro®.

Regarding claim 18, Strecker discloses a method for the assembly of an endovascular prosthesis that is implantable within a body lumen via providing a first prosthetic component (such as a portion of a spiral or that as seen in figure 21 for example) having one of a hook or loop structure; providing a second prosthetic component (another

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portion of a spiral or that as seen in figure 21 for example) having the other of hook or loop structure; engaging the hook or loop structure of the first prosthetic component with the other of the hook structure or loop structure of the second component so as to maintain the first prosthetic component in substantially fluid tight engagement with the second prosthetic component, as recited in column 7, lines 20-30, column 14, column 15 and seen in figures 18-21, for example.

Regarding claim 19, Strecker discloses that as applied to claim 18, as well as, an engaging step that is in situ, as recited in columns 15-18.

Regarding claims 20 and 25, Strecker discloses that as applied to claims 18 and 23, as well as, an engaging step that is effected by expanding a balloon affixed to cause the hook or loop structure of the first component to engage the other of hook or loop structure in the second prosthetic component, as recited in column 15, lines 15-20.

Regarding claims 21 and 26, Strecker discloses that as applied to claims 18 and 23, as well as, an endovascular prosthesis that is useful for treating aneurysms, as recited in column 15, lines 23-25.

Regarding claims 22 and 27, Strecker discloses that as applied to claims 21 and 26, as well as, an aneurysms that is are abdominal aortic aneurysms, as recited in column 15 and seen in figures such as 21.



Regarding claim 23, Strecker discloses a method for the assembly of a prosthesis which is implantable via providing a main prosthetic component (such as a portion of the spiral or as that seen in figure 21 for example) having one of hook or loop structure; providing a branch prosthetic component (another portion of the spiral or that seen in figures such as 21) having the other of hook or loop structure; engaging the hook structure or loop structure of the main prosthetic component with the other of the hook structure or loop structure of the branch prosthetic component so as to maintain the prosthetic component in substantially fluid tight engagement with the branch prosthetic component, as recited in column 7, lines 20-30, column 14, column 15 and seen in figures 1-21.

Regarding claim 24, Strecker discloses that as applied to claim 23, as well as, an engaging step that is in situ, as recited in columns 15-18.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are as follows: US 2003/0120332; US Patent No. 6,576,009; US Patent No. 6,478,817; US Patent No. 6,390,098; US Patent No. 6,344,056; US Patent No. 6,035,856; US Patent No. 5,383,897; and US Patent No. 5,084,065.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathryn Odland whose telephone number is (703) 306-3454. The examiner can normally be reached on M-F (7:30-5:00) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A Bennett can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

KO



Henry Bennett  
Supervisory Patent Examiner  
Group S700